

## **REMARKS**

### **Formal Drawings**

The Examiner stated that formal drawings were required in response to the present Office Action. Applicant submitted replacement figures for all the drawings on November 26, 2003 in response to the previous Office Action mailed on August 27, 2003. The Examiner did not state why the November 26 drawings are not acceptable as formal drawings. Applicant has reviewed the drawings and finds no deficiency. Applicant respectfully reminds the Examiner that is incumbent on the Examiner to set forth specific reasons that previously filed drawings are not acceptable. Therefore, Applicant respectfully requests the Examiner indicate that the November 26 drawings are acceptable as formal drawings or set forth in detail the deficiencies so that they may be corrected.

### **Objections**

#### ***Objections to the Drawings under 37 C.F.R. § 1.83(a)***

The Examiner has again objected to the drawings, stating that the drawings must show every feature of the invention specified in the claims. As Applicant pointed out in the November 26, 2004 response, the replacement drawings show those limitations in the claims that permit such illustration. Syntactical features or equations are commonly set forth in the specification and are not required to be shown in the drawings. In addition, conventional features of the invention, such as Applicant's claimed computer-readable medium, whose detailed illustration is not necessary to understand the invention do not have to be shown in the drawings. Only structural details that are of sufficient importance have to be illustrated [MPEP 608.02(d); citing *ex parte Good*, 1911 C.D. 43, 164 O.G. 739] (Comm'r Pat. 1911)].

The Examiner did not rebut Applicant's arguments by pointing out the claim elements that are not illustrated but merely repeated the objection verbatim from the August 27, 2003 Office Action. Applicant respectfully reminds the Examiner that is incumbent on the Examiner to set forth the particular elements that the Examiner believes should be illustrated [MPEP 608.02(d): for Form paragraph 6.22.01, the Examiner is

required to identify the structural details not shown in the drawing]. Therefore, Applicant respectfully requests the withdrawal of the objection to the drawings under 37 C.F.R. § 1.83.

***Objection to the Drawings under 37 C.F.R. § 1.121(f)***

The Examiner objected to Figure 4 as introducing new matter into the application. As Applicant point out in the November 26, 2004 response, Figure 4 is fully supported by the specification and the claims as originally filed [MPEP 608.04]. To aid the Examiner, Applicant now sets forth the portions of the original specification and the originally filed claims that support each of the blocks in Figure 4.

- Block 401 is supported by element 1 of original claim 1 and also by the Summary and Abstract as filed.
- Block 403 is supported by element 2 of original claim 1 and also by the Summary and Abstract as filed.
- Block 405 is supported by element 3 of original claim 1 and also by the Summary and Abstract as filed.
- Block 407 is supported on page 4 at lines 5-6 and 14-16 of the specification as filed.
- Block 409 is supported by original claim 4 and also by the Summary as filed.

Because Figure 4 is supported by the originally filed claims and the originally filed specification, no new matter has been added and Applicant respectfully requests the withdrawal of the objection to Figure 4 under 37 C.F.R. § 1.121(f).

**Rejections**

***Rejections under 35 U.S.C. § 112, first paragraph***

**Claims 1-26**

Claims 1-26 stand rejected under the first paragraph of 35 U.S.C. § 112 for insufficiency of the written description. Applicant respectfully points out to the Examiner that claims 3 and 7 were cancelled in the November 26 response. Because most of the rejection is verbatim from the August 27 Office Action, Applicant respectfully refers the Examiner to Applicant's arguments for withdrawal of the §112, ¶ 1 rejection in the November 26 response, which Applicant does not repeat here for the sake of brevity.

In the current Office Action, the Examiner particularly pointed to two elements in amended claim 1 as not complying with §112, ¶1: "writing a description containing relations corresponding to relationships between the entities in the audiovideo sequence" and "determining the relations for representation by parameters to define the fuzzy relationships, each parameter having numerical values representing confidence in the corresponding fuzzy relationship" as being unsupported by the specification. Applicant respectfully submits that the writing of a description as claimed is supported on page 3, line 29 through page 4, line 7 of the specification as originally filed. Applicant further respectfully submits that the determining the relations and the use of parameters to define fuzzy relationships as claimed is supported on page 3, lines 29-34 and on page 4, lines 8-22 of the specification as originally filed.

Furthermore, Applicant respectfully points out to the Examiner that according to MPEP 2163.04, the Examiner bears the burden of making a *prima facie* case for a §112, ¶ 1 rejection by providing reasons why a person skilled in the art would not be able to recognize that the inventor had possession of the invention as claimed based on the specification. In addition, MPEP 2153.04 requires the burden be met through a preponderance of the evidence and moreover requires the Examiner to respond to any arguments set forth by the Applicant against the rejection. Because the Examiner continues to make a bare-faced statement of insufficiency that is unsupported by any reasons or evidence, and has not rebutted Applicant's arguments in the November 26 response, the Examiner has failed to carry the burden required for a §112, ¶ 1 rejection. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1-26 under the first paragraph of 35 U.S.C. §112.

#### ***Rejections under 35 U.S.C. § 112, second paragraph***

Claim 1 stands rejection under 35 U.S.C. § 112, ¶ 2 for improper antecedent basis. Applicant has amended the claim and respectfully requests the withdrawal of the rejection of claim 1 under the second paragraph of 35 U.S.C. § 112.

#### ***Rejections under 35 U.S.C. § 103***

##### **Claims 1, 2, 4-6 and 8-26**

Claims 1, 2, 4-6 and 8-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,720,005 to Goke et al, in view of U.S. Patent 6,564,263 to

Bergman. Applicant has amended independent claims 1, 5, 9 and 18 to include subject matter claimed in claims 12 and 21 and has cancelled claims 12 and 21. Bergman qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's filing date [MPEP 2141.01 (I) and 2136]. Applicant reserves the right to challenge Bergman's designation as prior art. Nonetheless, Applicant respectfully submits that the combination of Goke and Bergman does not disclose each and every element of the invention as claimed in claims 1, 2, 4-6, 8-11, 13-20 and 22-26.

Goke discloses a system that performs fuzzy logic operations on fuzzy input values using a rulebase to produce fuzzy output values.

Bergman discloses a structure for describing multimedia content and a storage system for storing the description structure.

The Examier is relying on col. 7, lines 5-40 of Goke as disclosing Applicant's claimed element of "writing a description containing relations corresponding to relationships between the entities in the audiovideo sequence." Applicant has amended independent claims 1 and 5 to clarify that it is a description scheme that is being written. The term "description scheme" is a term of art and its commonly accepted definition within the art is set forth on page 1, lines 25-26. Applicant has read the cited section of Goke and can find no teaching or suggestion that Goke writes a description scheme containing relations as claimed. The Examiner is respectfully reminded that he must interpret terms within a claim according to their commonly accepted definitions.

Therefore, Goke does not support the Examiner's reasons for rejection.

Furthermore, with regard to the subject matter of now-cancelled claims 12 and 21, the Examiner asserts that Goke discloses Applicant's claimed element of " modifying the confidence value in response to changes in the parameter as the multimedia sequence progresses" at col. 8, lines 10-53. However, Goke contains no teaching or suggestion that the fuzzy input or output value is dependent upon a parameter that changes as a multimedia sequence progresses. Indeed, there is no mention in Goke of a multimedia sequence and therefore, no support for the Examiner's assertion.

With regard to claim 15, the Examiner asserts that Goke discloses Applicant's graphs of vertices and edges and graph mapping. However, Goke discloses that the invention uses a table to represent relationship and contains no mention of graphs or

graph mapping as claimed. As one of skill in the art is well aware, a table and a graph are not equivalent structures and therefore, the Examiner's position is not supported by Goke

Finally, the Examiner stated that the formula set forth in Applicant's claims 16 and 25 is disclosed in Goke. Applicant has reviewed the section of Goke cited by the Examiner and finds no reference to a formula of any kind. The mere implication that a formula might be used in Goke's invention is not sufficient to support the rejection of a specific claimed formula as obvious. Furthermore, the claimed formula refers to edges and vertices in a parameter space, none of which are taught or even suggested by Goke.

Since Goke does not disclose these claim elements as asserted by the Examiner, Bergman must do so in order to have a proper *prima facie* case of obviousness. However, Bergman does not disclose, *intra alia*, that confidence values for relationships are based on parameters that change as a multimedia sequence progresses as claimed in the amended independent claims. Therefore, the combination cannot be properly interpreted as teaching or suggesting each and every element of the claims.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 2, 4-6, 8-11, 13-20 and 22-26 is not rendered obvious by the combination of Goke and Bergman and respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. §103 over the combination.

### **SUMMARY**

Claims 1, 2, 4-6, 8-11, 13-20 and 22-26 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-3476.

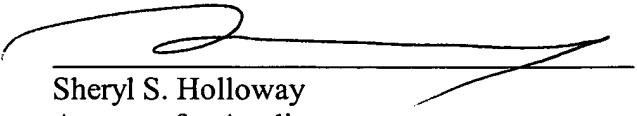
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

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Sheryl S. Holloway  
Attorney for Applicant  
Registration No. 37,850

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-3476